

Goddard



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Resource Development Program & Services, Inc.

File: B-235331

Date: May 16, 1989

DIGEST

Under the Competition in Contracting Act of 1984, the General Accounting Office, as before, will not review a challenge to the award of a cooperative agreement unless there is some threshold showing that a procurement contract should have been used.

DECISION

Resource Development Programs & Services, Inc. (RDPS), protests the award of a contract to Corporate America Research Associates, Inc. (CARA), under solicitation No. 06-01-89002-01 issued by the Department of Commerce's Minority Business Development Agency, for the operation of a minority business development center in Brownsville, Texas. RDPS challenges the evaluation of CARA's proposal.

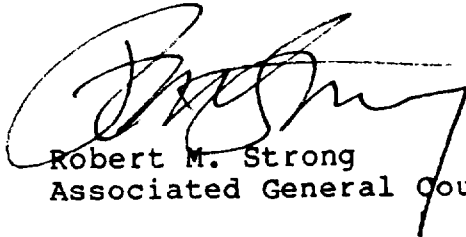
The protest is dismissed.

The Department of Commerce reports that the award to CARA was in fact a cooperative agreement rather than a contract. Under the Competition in Contracting Act of 1984 (CICA), we consider protests involving the award of contracts for the procurement of goods and services and solicitations leading to such awards. 31 U.S.C. §§ 3551-6 (Supp. IV 1986). The award of a cooperative agreement is not the award of a procurement contract. See 31 U.S.C. §§ 6303, 6305 (1982); Burgos & Assocs., Inc., 58 Comp. Gen. 785 (1979), 79-2 CPD ¶ 194. Consequently, with the enactment of CICA, we have continued our practice of generally not considering challenges to the award of a cooperative agreement. Ship Analytics, Inc., District 2, Marine Engineers Beneficial Assocs., B-227084, B-227084.2, May 5, 1987, 87-1 CPD ¶ 475.

045476/138679

Although we consider challenges to cooperative agreements where there is some threshold showing that the agreement was used where a contract is required, Ship Analytics, Inc., District 2, Marine Engineers Beneficial Assocs.-- Reconsideration, B-227084.3, B-227084.4, Dec. 15, 1987, 87-2 CPD ¶ 590, there is no such showing here.

The protest is dismissed.



Robert M. Strong
Associated General Counsel